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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/710,999

08/17/2004

Momchil Borislavov Nikolov

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08/22/2006

MOMCHIL BORISCAVOV NIKOLOV
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EXAMINER

GORTAYO, DANGELINO N

ART UNIT

PAPER NUMBER

2168

DATE MAILED: 08/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/710,999

Applicant(s)

NIKOLOV, MOMCHIL
BORISLAVOV

Examiner

Dangelino N. Gortayo

Art Unit

2168

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>8/17/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-5, 7-16 are pending.
2. Preliminary amendments to the claims filed 7/22/2005 have been entered for examination.

Information Disclosure Statement

3. An initialed and dated copy of Applicant's IDS form 1449, filed 8/17/2004, is attached to the instant Office action.

Drawings

4. The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing under 37 CFR 1.81(c). No new matter may be introduced in the required drawing. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).

Specification

5. The disclosure is objected to because of the following informalities: Paragraph [0002] contains grammatical errors in lines 8-9. Also, paragraph [0008] contains first person language when disclosing the invention.

Appropriate correction is required.

Claim Objections

6. The claims are objected to because the lines are crowded too closely together, making reading difficult. Substitute claims with lines one and one-half or double spaced on good quality paper are required. See 37 CFR 1.52(b).

7. Claim 4 is objected to because of the following informalities: The claim recites the limitation "the extractor of claim 1" starting in line 3 of the claim. This is an unnecessary statement, and would be better replaced with the phrase "said extractor" to avoid antecedent basis issues. Appropriate correction is required.

Claim Rejections - 35 USC § 101

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9. Claims 1-5, 7-16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Independent claims 1 and 12 are directed to "a system". The claims are read to indicate that the system is software per se, being executed on a system, with no hardware components for the function to be realized, and is non-statutory. Dependent claims 2-5 and 7-11 are directed to the "system of claim 1" and dependent claims 13-16 are directed to the "system of claim 12", lacking any hardware components, and are similarly rejected.

Claim Rejections - 35 USC § 112

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claim 1 and 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "storing it into a searchable data repository" starting in line 2, making it unclear what component the word "it" is referring to. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation "to which he does not wish to reply." starting in line 2, making it unclear what component the word "he" is referring to. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

13. Claims 1-5, 7-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Carpenter et al. ("Carpenter" US Publication 2003/0229638 A1).

As per claim 1, Carpenter teaches "A system comprising of an extractor or parser for the purpose of extracting formatted data from internet or network resources and storing it into a searchable data repository," (Figure 1 reference 12 and block 0036 lines 1-6 and block 0042) "a composer that uses the extracted or parsed data for the purpose of constructing electronic messages" (block 0044, wherein the parsed data is used to represent job posting or resume data in a database to be used by a user) "and a mailer that delivers the electronic messages through an electronic mailing or messaging system." (block 0053)

As per claim 2, Carpenter teaches "said system is used in the extraction of job postings residing on a plurality of internet job boards and employment opportunity pages on company web-sites," (block 0035) "the construction of responses and job applications to each the said postings based on information extracted by the extractor from the said job postings," (block 0049) "and the delivery of said responses and job applications through an electronic mail system to the advertising parties." (block 0056)

As per claim 3, Carpenter teaches "the job postings returned for the purpose of constructing and distributing a response to are narrowed by user specified criteria and key words such as location and job title, years of experience and industry." (block 0050)

As per claim 4, Carpenter teaches "the responses constructed are a resume and cover letters tailored to a specific job posting by including certain keywords returned by the extractor of claim 1 such as company name and job title in the cover letter." (block 0056, "recruiting services")

As per claim 5, Carpenter teaches "said system has means of querying search engines and parsing the returned results from the said search engines to extract individual information from every result." (block 0042)

As per claim 7, Carpenter teaches "said extractor extracts electronic addresses from the said resources." (block 0043)

As per claim 8, Carpenter teaches "means of managing postings or the relevant information extracted from them by assigning a unique ID to each one, associating said ID with the user of the system, and using the said ID to keep track of postings to which the user of the system has already responded." (block 0050)

As per claim 9, Carpenter teaches "allows a user of the system to specify the structure of the information to be extracted by the said system by specifying a regular expression and name for the regular expression as well as a single or multiple internet resource locators." (block 0050)

As per claim 10, Carpenter teaches "searches for any information matching a regular expression in the specified internet resources and stores the name of the regular expression and the results associated with the regular in the respective fields of a key/value collection and subsequently into a searchable database" (block 0054)

As per claim 11, Carpenter teaches "the ability to review postings or the relevant information extracted from them as a set of units and delete selected or deselected units, thus preventing a response to be sent to a selected/deselected unit." (block 0047)

As per claim 12, Carpenter teaches "A system consisting of a database containing job postings including contact information," (Figure 1 reference 16 and block 0036) "a composer component to compose targeted electronic responses based on information from the job postings database" (block 0044, wherein the parsed data is used to represent job posting or resume data in a database to be used by a user) "and a mailer component to deliver said responses including resume to the party associated with each posting." (block 0053)

As per claim 13, Carpenter teaches "the job postings information returned can be narrowed down based on user specified criteria and keywords such as location, job title and years of experience used in a database query" (block 0050)

As per claim 14, Carpenter teaches "the responses constructed are cover letters and job applications including a resume" (block 0056, "recruiting services")

As per claim 15, Carpenter teaches "means of keeping track of postings that a user of the system has already responded to by assigning a unique ID to each posting and associating said ID with the user." (block 0050)

As per claim 16, Carpenter teaches "means further allow the user to view postings returned as a result of a job postings database query" (block 0050 "manual search") "and deselect postings which he does not wish to reply." (block 0055)

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2168

McGovern et al. (US Patent 6,370,510 B1)

Dietz (US Patent 6,711,589 B2)

Wiens et al. (US Patent 6,757,674 B2)

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dangelino N. Gortayo whose telephone number is (571)272-7204. The examiner can normally be reached on M-F 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim T. Vo can be reached on (571)272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dangelino N. Gortayo
Examiner



Tim T. Vo
SPE



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SUPERVISORY PATENT EXAMINER
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